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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/434,105	05/03/1995	DAVID A FISCHHOFF	28079/41785	2627
7590	06/05/2009			EXAMINER KUBELIK, ANNE R
David A. Gass MARSHALL, GERSTEIN & BORUN LLP 233 S. Wacker Drive, Suite 6300 Sears Tower Chicago, IL 60606-6357			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 06/05/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JUN 05 2009

In re Application of :
Fischhoff et al. : PETITION DECISION
Serial No.: 08/434,105
Filed: May 3, 1995
Attorney Docket No.: **28079/41785**

This is in response to the petition under 37 CFR § 1.59(b), filed June 1, 2009, to expunge information from the above identified application. This application has not been allowed

Petitioner requests that the Proprietary Information Disclosure Statement, June 1, 2009 be expunged from the record as the documents are subject to one or more protective orders, and have not otherwise been made public. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This application is under non-final action. Also, the information provided has not been reviewed. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.


Marianne C. Seidel
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